

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MACK TAYLOR,

Plaintiff,

v.

Case No. 09-CV-14639

DEPARTMENT OF HUMAN SERVICES OF
THE STATE OF MICHIGAN,

Defendant.

**ORDER TERMINATING DEFENDANT'S SECOND MOTION TO DISMISS,
ALLOWING PLAINTIFF TO FILE SECOND AMENDED COMPLAINT, AND SETTING
TARGET DEADLINE FOR SUBMITTING CONSENT JURISDICTION FORM**

On May 24, 2010, the court conducted a telephone conference in the above-captioned matter. During the conference, counsel indicated that after an initial exchange of documents, the case is now ready to proceed to discovery in accordance with the May 3, 2010 "Scheduling Order." Defense counsel also agreed to stipulate to the amendment of Plaintiff's complaint for the sole purpose of adding an individual party Defendant for the claim asserted under 42 U.S.C. § 1983, thereby mooting Defendant's pending motion to dismiss. Finally, the parties have agreed to transfer this matter for all purposes to a magistrate judge under 28 U.S.C. § 636(c).¹ In accordance with counsels' various representations,

IT IS ORDERED that Defendant's second motion to dismiss [Dkt. # 9] is
TERMINATED AS MOOT and Plaintiff shall be allowed to file, by stipulation, a Second

¹A fillable form to consent to magistrate judge jurisdiction can be found on the court's website at <http://www.mied.uscourts.gov/Clerk/formslist.cfm>.

Amended Complaint which cures the deficiency noted in Defendant's second motion to dismiss.²

IT IS FURTHER ORDERED that counsel shall endeavor to submit their "Notice, Consent, and Reference of a Civil Action to a Magistrate Judge" by **noon on May 28, 2010**.³

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 25, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 25, 2010, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

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²Counsel indicated that the stipulated Second Amended Complaint would be filed within the next two weeks.

³The court recognizes that consent to magistrate judge jurisdiction is completely voluntary, and sets the May 28, 2010 deadline as a *target* deadline for counsel in order to keep this case proceeding efficiently. Counsel in fact stated during the conference that they intended to file the consent jurisdiction form within the next few days.